

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

WENDELL TANGARO,

Plaintiff,

vs.

JOSEPH BOTELHO, COUNTY OF  
HAWAI'I, AND JOHN DOES 1-10,

Defendants.

Civil. No. 03-00211 JMS/LEK

DECLARATION OF JASON  
GROUNDS

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I, Jason Grounds, declares the following:

1. That I am employed as a police officer with the County of Hawai'i.
2. On April 17, 2002, while assisting on another call, I heard Officers Botelho and Amuimuia responding to a call of an attempted theft, a male breaking into washing machines.
3. Being that other officers were handling the case I was at, I left that scene to see if I could assist Officers Botelho and Amuimuia.
4. While in route, dispatch provided a description of the suspect, a male wearing a black cap and long pants, and the vehicle, a blue colored sedan.
5. While in route, I also heard Officer Botelho saying the vehicle was there, and that he would be making contact.

6. I arrived approximately two minutes or so later.

7. I arrived heading makai on Shipman Street and observed Officer Amuimuia's vehicle parked outside the Laundromat facing makai.

8. The suspect vehicle was parked in a diagonal roadside parking stall across the street and just makai of Officer Amuimuia's vehicle with a male standing outside an open driver's side door.

9. Officer Botelho's vehicle was parked about three to four stalls beyond the suspect vehicle, partially in the diagonal parking stalls and partially in the road, facing mauka.

10. As I stopped my vehicle in the roadway facing makai, approximately 20 feet mauka of the suspect's vehicle, I noticed a second male come out of the back seat of the suspect vehicle, push the first suspect away from the driver's door, jump into the driver's seat and start revving the engine.

11. While I was seated in my vehicle retrieving my portable radio and flashlight, I noticed the brake lights to the suspect vehicle come on, then the reverse lights came on and the vehicle started to reverse very quickly towards my vehicle.

12. Fearing that my vehicle would be struck by the suspect vehicle, I reversed my vehicle until the suspect vehicle stopped reversing.

13. The suspect vehicle was now facing Officer Botelho who was standing in the middle of the street.

14. I then got out of my vehicle and I instructed the first suspect to get back on the sidewalk while Officer Botelho continued to yell commands at the driver of the suspect vehicle.

15. The suspect vehicle began to move forward towards Officer Botelho.

16. Officer Botelho began to move backwards and to his left as the suspect vehicle approached him rather quickly.

17. I saw Officer Botelho draw his weapon and heard him fire one shot at the suspect vehicle.

18. The suspect vehicle slowed immediately and turned to the left towards the curb.

I declare under penalty of law that the foregoing is true and accurate.

Dated: Hilo, Hawai'i, February 2, 2006.

  
JASON GROUNTS